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December 18, 1997

**VIA HAND DELIVERY**

Magalie Roman Salas, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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DEC 18 1997

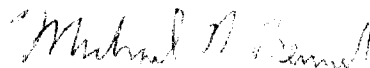
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Salas:

Transmitted herewith, on behalf of Frontier Communications of Lakeshore, Inc., are an original and four copies of a Petition for Limited Waiver of the January 1 deadline for converting local exchange carrier switches to 4-digit Feature Group D carrier identification code functionality. The attached Declaration of Jack Phillips bears a facsimile signature. The original signed Declaration will be filed with the Commission upon receipt by counsel.

Should the Commission have any questions with respect to the Petition, please communicate directly with the undersigned.

Very truly yours,



Michael R. Bennet

Enclosure

cc: Kris Monteith  
Elizabeth Nightingale

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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DEC 18 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

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Administration of the

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CC Docket No. 92-237

North American Numbering Plan

)

Carrier Identification Codes (CICs)

)

To: Common Carrier Bureau

**PETITION FOR LIMITED WAIVER**

Frontier Communications of Lakeshore, Inc. ("Lakeshore"), by its counsel and pursuant to Section 1.3 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"),<sup>1</sup> hereby requests a limited waiver of the January 1, 1998 deadline for the conversion to four-digit Feature Group D Carrier Identification Codes ("CIC") established in the above-captioned proceeding. Petitioner requests additional time until June 30, 1998 to comply with the requirement that a carrier have four-digit CIC capability.

Lakeshore is a small rural local exchange carrier located in Cecil, Wisconsin. Lakeshore, which became an equal access provider in 1991, serves 2,100 access lines. Lakeshore is an affiliate of the Frontier Corporation ("Frontier") which oversees 34 local exchange carrier (LEC) companies with 65 Nortel, Inc. ("Nortel") switched central offices in 13 states. Currently, Frontier is in the final stages of a massive network modernization plan, upgrading all of its 65 Nortel switches at a cost of \$10 million a year for three years. The corporate-wide upgrade plan exploits economies of scale, offering volume savings. While the entire project, in coordination with Nortel, is scheduled to be finished by the third or fourth quarter of 1998, 63 out of the 65

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<sup>1</sup> 47 C.F.R. § 1.3 (1996).

switches will have four-digit CIC functionality prior to the January 1, 1998 deadline for conversion to four-digit CIC capability.<sup>2</sup> Unfortunately, Lakeshore's Nortel DMS-10 switch, due to technical and economic obstacles that are explained herein, will be incapable of handling four-digit CICs prior to the January 1, 1998 deadline. Accordingly, Lakeshore submits that a grant of this limited waiver will serve the public interest and requests an extension of time to finish its implementation of four-digit CIC functionality.

### **Background and Facts**

Frontier was aware of the need to migrate to four-digit CIC capability and anticipated being in compliance well in advance of the original deadline of the year 2000.<sup>3</sup> In fact, Frontier began its large-scale modernization planning in 1994 and fully expected that the upgrades would be capable of processing four-digit CICs as well as other FCC technical mandates in a timely fashion. The FCC released the *Second Report and Order* on April 11, 1997 which shortened the

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<sup>2</sup>The other Frontier company, Schuyler, Inc., is part of the group of ten Iowa local exchange telephone companies that recently petitioned the FCC for a waiver of the January 1, 1998 deadline as a result of a miscommunication with their centralized equal access system, Iowa Network Services. In an *Order* released on December 15, 1997, the Commission granted each of these companies until June 30, 1998 to complete conversion to four-digit CIC functionality. See *Cuba City Telephone Exchange Co., et al.; Petitions for Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule, Order*, NSD File Nos. 97-52; 97-58; 97-57; 97-62; 97-61, DA 97-2614, released December 15, 1997 ("Cuba City").

<sup>3</sup> In the Matter of Administration of the North American Numbering Plan Carrier Identification Codes (CICs), Petition for Rulemaking of VarTec Telecom, Inc., Second Report and Order, CC Docket No. 92-237, FCC 97-125, released April 11, 1997 ("*Second Report and Order*").

anticipated deadline from 2000 to January 1998.<sup>4</sup> At the time, the new deadline was not perceived as a problem since Frontier believed its upgrades were proceeding as planned and all of its switches would have four-digit CIC functionality. However, Lakeshore's Nortel DMS-10 switch had a low level of operating software and was technically unable to process four-digit CICs. The Lakeshore service area is a small community and there had never been much demand, by the state or by customers, for more advanced features than those possible with operating software version 403.31. The upgrade to version 410.10, as part of the original Nortel plan, would not be finished until the third or fourth quarter of 1998.

Lakeshore was faced with a dilemma — wait until the project was finished or explore accelerated alternatives. In June of 1997, Lakeshore had already begun negotiations with Nortel engineers in search of the most efficient network solution. In order to comply with the four-digit CIC mandate as soon as possible, Frontier removed Lakeshore from the overall upgrade plan and attempted to reconfigure the Lakeshore network to expedite the switch upgrade. One option was to reconfigure the Lakeshore exchange and its neighboring exchange, Frontier of Wisconsin's Clintonville exchange, into a host/remote network configuration. The Lakeshore Nortel DMS-10 switch would become a remote to the Clintonville Nortel DMS-100 switch host. Although the host/remote configuration is the most efficient long-term solution,<sup>5</sup> the initial capital outlay of

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<sup>4</sup> *Second Report and Order* at ¶ 4.

<sup>5</sup>Over the long-term, the host/remote network would have been the most technologically and economically rational solution, using the more advanced Nortel DMS-100 switch and requiring future upgrades on only one switch. However, such an involved solution could not have been completed until well after the June 30, 1998 transition deadline.

\$750,000 and the time involved due to the engineering complexities of integrating two previously separate exchanges forced Frontier to abandon this solution.

The only remaining solution is an expedited switch upgrade for Lakeshore that will be integrated with the overall Nortel plan at an additional cost of over \$180,000. Working with Nortel's schedule<sup>6</sup> and making the Lakeshore switch a priority will enable Lakeshore to upgrade to four-digit CIC capability by June 30, 1998.

#### **Good Cause Exists for a Grant of Lakeshore's Request for Waiver**

Good cause exists for the requested waiver. "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest."<sup>7</sup> Application of the January 1 deadline to Lakeshore would be extremely inequitable and inconsistent with the public interest. Frontier Corporation has been diligent in its efforts to comply with the conversion deadline. Frontier has demonstrated a good faith effort to comply with the Commission's upgrade requirements as evidenced by its successful overall network modernization plan. The only alternative to the new and costly Nortel upgrade of the Lakeshore switch was a more expensive, and more complex and time-consuming, host/remote configuration. In order to meet the end of the CIC transition period (June 30, 1998), the current Lakeshore solution makes technical and economic sense.

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<sup>6</sup>The impending CIC deadline has led to Nortel's currently hectic schedule. See *Cuba City* at ¶ 17.

<sup>7</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); see also *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

In its December 3, 1997 *Order* granting a limited waiver of the January 1 four-digit CIC capability deadline for a group of rural telephone companies, the Commission recognized the technical and economic burden placed on small and rural local exchange carriers by the January 1 deadline.<sup>8</sup> Lakeshore has already planned to shoulder the \$180,000 financial burden in order to accelerate its upgrade to meet the transition deadline of June 30, 1998. Meeting the January 1, 1998 deadline would impose an additional and unwarranted economic burden on Lakeshore and its customers. The Commission also concluded that for rural telephone companies, "the impact of an extension of the conversion deadline on the IXC's served by [those companies], and on the ability of those LEC's' customers to reach IXC's through CAC dialing, does not outweigh the burden on the LEC's that would be imposed by a denial of their petitions for waiver."<sup>9</sup> Recently, in its December 15, 1997 *Order*, the Commission noted that its grants of "requested waivers will not affect or interfere with the end of the permissive dialing period on June 30, 1998."<sup>10</sup> Lakeshore's request does not interfere with the end of the permissive dialing period.

In light of these specific facts and circumstances, Lakeshore submits that good cause exists for a limited waiver of the January 1, 1998 deadline until June 30, 1998 for conversion of its exchange to four-digit CIC functionality. Frontier has made every reasonable effort to meet the Commission's deadlines using the most technically efficient and economically rational

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<sup>8</sup> *Clarks Telecommunications Co., et al.; Petitions for Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule, Order*, NSD File Nos. 97-53; 97-56; 97-46; 97-51; 97-54; 97-55; 97-47; 97-48; 97-49; 97-50, DA 97-2528, released December 3, 1997 ("CIC Waiver Order").

<sup>9</sup> *CIC Waiver Order* at ¶ 18.

<sup>10</sup> *Cuba City* at ¶ 18.

solutions. Given the diligence shown by Frontier and Lakeshore, the additional expenditure to meet the transition deadline, Nortel's busy schedule, and the unwarranted burden that would be imposed on Lakeshore if its waiver request is denied, grant of this instant request is consistent with the public interest.

Respectfully submitted,

**Frontier Communications of Lakeshore, Inc.**

By Michael R. Bennet

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Its Attorneys

December 18, 1997

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**Declaration of Jack Phillips**

I, Jack Phillips, Regulatory Staff Manager of Frontier Communications of Lakeshore, Inc., do hereby declare under penalty of perjury the following:

1. I am a duly authorized representative of Frontier Communications of Lakeshore, Inc.

2. I have reviewed the foregoing Petition for Limited Waiver and, to the best of my belief and knowledge, the facts presented therein are true and correct.

Executed this 15<sup>th</sup> day of December, 1997.

  
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Jack Phillips

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### Certificate of Service

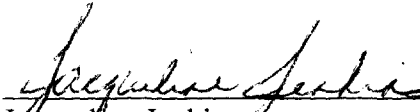
I, Jacqueline Jenkins, an employee in the law firm of Bennet & Bennet, PLLC, hereby certify that a copy of the foregoing Petition for Limited Waiver, has been served via hand delivery, this 18<sup>th</sup> day of December, 1997, on the following:

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Federal Communications Commission  
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